

cong. oversight - thorny

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CIA Congressional Relations, 2nd Session, 84th Congress, n.d., memo  
by Paul

DCI invited members and staff of the ArmServ and Appro Subcomms on  
CIA to inspect classified Agency facilities, but due to the pressure  
of business, virtually all members invited were unable to make the  
trip.

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no thought given to idea of cong. oversight at time of 1947  
legislation.

later (time unspecified), CIA would push for ~~oversight~~  
congressmen to come down to look CIA over, but something  
always came up to prevent Congressmen from coming. "they  
didn't want to get into it. We would have given them anything  
they wanted."

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the interaction bet the 4 intell. subcomms has been  
"barely visible."

"To be candid abt it, the four Subcomms can be likened to  
four small principalities, not at war w/ one another but  
going their indep. ways. The situation reminds me of a  
Greek dialogue, where there isn't point and counterpoint,  
Q and answer, but a preoccupation w/ building parallel  
pyramids, each building away furiously."

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the "worrisome complication of being morally involved, compromised, silenced" if one tries effective oversight. Just as it is easier for some ambassadors to func w/out knowing details of CIA action in the country they are accredited to.

"For if you know a sensitive policy or operation, you may have to proceed to the Q of your responsibilities to your Congressional colleagues and to what you perceive to be the nat. interest. And if you deeply disagree, are you to remain silent? Or protest privately? Or publicly? It's not an easy Q."

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historically, regulatory agencies and bodies have taken on the coloration of the industries they were designed to regulate.

Moreover, relationships bset parttime commissions and full-time executive directors tend to be weighted in favor of the viforous full-time directors.

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"There is such a thing as that certain glow, that pleasant vibration, which flows to a Congressmen allowed the privilege of being 'on the inside,' to be privy to fresh and sensitive info."

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Maury recounts how Allen Ellender, in a complex briefing on a technical collection system, listened attentively for 1st 5 minutes and then dozed off to sleep. one of Maury's colleagues dispirited by this, by Maury says ~~xx~~ not to worry, noting that the imp thing was not whether Ellender knew what the briefing was abt, but whether he believed that the CIA knew its stuff, and was leveling w/ him.

A few days later, Ellender gave the project in Q full support despite strenuous opposition from certain other intell. agencies.

Maury finds this blind trust very reassuring.

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1974

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Sen. Proxmire in 1974 (April) charged that "It has reached the pt where the only conclusion that can be drawn is that the [sub]committees are trying to protect the CIA from the legitimate calls for change from the rest of Cong."

Similarly, Sen. Case publically worried that the oversight subcomms. might be "used as a means of conning us rather than informing us, as a body."

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THE 4 CIA subcomms. meet in executive and report only their conclusions, not the reasons underlying them, to Cong as a whole. They are the only cong. subcomms. excused from justifying their conclusions to Cong.

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in 1974, Colby remarked that over the preceding 20 yrs, the practice grew that CIA would speak only to the 4 subcomms, and not to any other comm.

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haracterized by informality.  
Cong. appeared more interested in learning than in restricting  
or monitoring.

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one should not expect complete congressional abdication of interest in the CIA. Indeed, such a development would be deplorable. Friction bet the executive and the legislature can, w/in proper limits, be a creative factor; tension, up to a pt., can be a positive element; jurisdictional squabbles, w/in reasonable bounds, are a normal element of the governmental process.

In fact, one can argue that the lack of interest in Agency affairs exhibited by most congressmen for the better part of two decades, however convenient for CIA officials at the time, was unhealthy and bound to produce an extreme reaction.

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1971

One prob which Cong recognized was the undeisrability of creating inflexible rules which would unduly hamstring the executive in the conduct of nat. sec. affairs. For inst, most Amers would not want to insist that the Govt was prohibited under all circumstances from interfering in the internal affairs of another country. Most likely, there are conditions when ~~xxxx~~ most Amers would sanction such activity. i.e.--US misght want to provide financial help to an appealing candidate if his rival is engaged in buying the election w/ money supplied by Ussr. but a willingness to accept necessity of some intervention, under certain circumstances, is not the same as granting the Pres. a carte blanche.

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the remarkable abt the many bills introduced to set up  
some cong. oversight of CIA is that all this activity  
was confined to jurisdictional battles w/in Cong.--over  
which small group of congressmen would supervise the CIA.

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Vincon established CIA subcomm of Armed Servs Comm, which he himself chairs. Briefings on CIA operations more regularized than in the Senate, and House Armed Sers. staff maintained almost daily contact w/ CIA.

House Appro. Comm. did not estab. a formal subcomm. Instead Cannon continued to rely upon his speical group of 5 members, the names of whom never became public knowledge, supposedly becuz of security precaustions.

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one concern pertains to consti. separation of powers--fear  
of impinging upon consti. authority and resp. of Pres to  
conduct for. aff.

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From time to time, the freedom from restraint or close scrutiny enjoyed by the Cia has bothered even the Pres, despite the nominally he, as head of the executive branch, is in charge of the AGENCY.

Hence, the existence of special commissions authorized by the Pres to study Cia and its activities and recommend changes.

such as the 2 Hoover Commissions. *[I think Cong. may have organized 2nd Hoover*

*Commission - HST]*

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the 1st Hoover Commission, commissioned by Pres HST in 1947, found an inadequate mechanism for overseeing the production of intell. estimates and criticized the lack of coordination which existed among the nation's intell. services.

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quotes former Repre. Wm Bray, who served as ranking Republican on House Armved Services intell. subcomm: "I'm very suspicious of anyone who wants to know everything that goes on at any intelligence groups. . . . In all fairness, I don't want to know. . . . Now, you can always find a lot of fault w/ any secrecy your intell. has. . . . But compared to the rest of the outfits that exist in the world, there's no doubt the CIA is bsetter."

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one congressional staff source said: "It isn't that the CIA won't give Congress information. Put the CIA under oath and they'll talk. . . . If the oversight committees really dug, the oversight process would open up. If Foreign Relations wanted briefings, . . . they'd soon ope up. The main thing is getting Congress to look into CIA at all."

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natural and perhaps inevitable that members on oversight committees have fallen victim to their constituences, namely the intell. agencies under their jurisdiction.

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The Legislative Reorganization Act of 1946 charged cong. comms. w/ the task of monitoring the activities of the Executive Branch and w/ enduring that the laws of the land are dutifully administered. but the vagueness of the Nat Sec Act of 1947 and the CIA Act of 1949 complicates which otherwise might be a straightforward assignment.

there is no set of criteria vs. which the agency's performance can be measured as to its effectiveness or propriety. the oversight comms. have had no direction, no frame of reference for overseeing.

For inst, CIA's charters provide no criterior vs. which to judge the suitability or even legality of clandestine operations, since there are not even mentioned in the legislation.

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Structural defects in Cong.--1. inadequate cong. staff working full time on intelligence matters. The House, for inst, in 1975 employed more than 800 committee staffers, but not one professional working on matters involving CIA or intell. community.

← ~~General Accounting Office~~, which has been instrumental in legis. oversight of other executive depts and agencies, cannot help w/ CIA since it has not been involved (as of 1975) in any audits of the intel. community budget or the activities of any of its respective agencies.

Hence, resp. for carrying on cong. oversight of intell. community has fallen to three or four professional staffers working part time on CIA, while they are resp. for preparing analyses of defense budget and overseeing activities of entire Defense Dept.

Cong. will never be able to oversee the CIA adequately w/out a larger and fulltime staff personnel focusing exclusively on intell. community.

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[update these #s for 1983]

working on appropriations & Armed Services Comm. in the 2 Houses

Congress' legal & accounting arm

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is there any dif. of opinion bet cong. and CIA over what matters rightly fall w/in the purview of the oversight bodies??

Cline says cong. oversight "must be confined to policy review, program review, and budget critiquing, and not be an attempt to take over or second-guess managerial and administrative decisions."

aim of oversight should be to permit members of Cong "to be advised and consulted--though not to be asked to give specific administrative apporvals--on general directives and major decisions affecting the work of the several agencies."

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structural defects in Cong--2. rule of seniority means that usually conservative southerners placed on oversight comms., the indivs. least likely to challenge CIA. fragmented oversight exercised by 4 dif. subcomms., w/ no one having complete jurisdiction. not infrequently, these indivs more drawn to the juicy details of operations than to hard analysis of intell. info.

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The term "oversight" implies the monitoring of activities of the CIA by bodies established to do so, to insure that the Agency complies w/ all statutes relating to it. Congressional oversight is not the same as operational control, for this would undercut the separation of power doctrine.

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1947 and 1949 legislation placed serious obstacles in way of effective cong. oversight.--passed in a policitally charged atmosphere vastly dif. from that of the 1970s.

moreover, there exists no codified statutory mandate for the agency. Many CIA responsibilities delegated by series of NSCIDs from Forty Comm and its predecessors. These are secret.

ther  
uncertainty where any statutory authroty exists for CIA Ato engage in clandestine operations unrelated to collection of intell.

DCI Helms has spoken repeatedly of certain "gray areas" of the agency's operations, where one is not certain what is legal, what perhaps illegal.

until precise ground rules for Agency behavior established, oversight will be tricky at best.

pp 148-52



[chk before using]

"The clandestine services give them [i.e., senior congressmen on 4 oversight subcomms] a peek under the rug and their eyes pop," one CIA source said. "It doesn't take long before the Congressional overseers acquire that old-school feeling."

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Schlesinger, Imperial Presi, p. 373 [chk before using]:

Congressmen felt it was better not to be accountable for CIA actions. "Few votes were lost by backing the Pres in for. affairs, many were gained; and if things went wrong, it was the Pres's resp."

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